

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In the Matter of the Investigation into the )  
Agreement between Evergy and Elliott ) Docket No. 20-EKME-514-GIE  
Management to consider a Modified Stand Alone )  
Plan or Merger Transaction )

**PETITION TO INTERVENE**

COMES NOW, the International Brotherhood of Electrical Workers, Local Union No. 304 ("IBEW Local 304" or "Union") and petitions the Corporation Commission of the State of Kansas ("Commission") for an order pursuant to K.S.A. 77-521(a) and K.A.R. 82-1-225 permitting it to intervene in the above-captioned proceedings. In support of its petition, IBEW 304 alleges and states as follows:

1. IBEW 304 is a voluntary labor organization doing business and representing employees in the State of Kansas. The Union is also a labor organization as defined in the National Labor Relations Act, as amended, 29 U.S.C. § 152, *et seq.* The Union exclusively represents and bargains for approximately 979 employees, all of whom will be affected by the instant proceedings.
2. On June 11, 2020, the Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission"), petitioned the Commission for an order initiating a general investigation into an Agreement entered into by the Board of Directors of Evergy Metro, Inc., Evergy Kansas Central, Inc. ("Evergy" or "the Company"), and Elliott International, L.P., and affiliates ("Elliot") to consider either a Modified Standalone Plan that would effectively cut operating and maintenance expenses and increase capital expenditures, or a Merger Transaction.
3. This Commission has established criteria for evaluating a proposed merger or acquisition with one of the many factors being whether the proposed transaction will likely create

labor dislocations that may be particularly harmful to local communities, or the state generally, and whether measures can be taken to mitigate the harm.<sup>1</sup>

4. IBEW 304 is a signatory to two collective-bargaining agreements ("CBAs") with Evergy which set forth the terms and conditions of the employment for nearly 1000 bargaining unit employees<sup>2</sup>, including, but not limited to, wages, health care benefits and retirement benefits.

5. These bargaining unit employees reside in local communities across the state of Kansas and those individuals and their local communities will be directly affected by this proceeding.

6. IBEW 304, in its capacity as exclusive bargaining representative, has a legal Duty of Representation to those employees it represents. No other person or entity is obligated to represent these individuals, nor does any other person or entity have a legal right to represent these employees' interest in the instant acquisition.

7. IBEW 304 has direct knowledge of Evergy's workforce and has a legal duty to be concerned with the possibility of labor dislocations or Evergy cost cutting that may be particularly harmful to local communities, or the state generally, and whether measures can be taken to mitigate the harm.

8. The ability of IBEW 304 to negotiate for terms and conditions of employment is directly linked to the financial viability a Modified Standalone Plan or a Merger which is central to this proceeding.

9. IBEW 304 is a stakeholder contemplated in the stated goal of the Staff of the State Corporation Commission of the State of Kansas to ensure that all stakeholders are fully informed of,

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<sup>1</sup> These standards were adopted by the Commission in its November 15, 1991 Order in Docket Nos. 172,745-U and 174,155.

<sup>2</sup> IBEW 304 is a party to the CBA with the International Brotherhood of Electrical Workers, Local Union 1523 ("IBEW 1523") which represents approximately 636 bargaining unit employees under a Westar Energy agreement. IBEW 304 is also the exclusive bargaining representative for approximately 343 bargaining unit employees under a CBA with the Wolf Creek Nuclear Operative Corporation owned by Evergy.

and have a meaningful opportunity to respond to, the analysis and rationale of Evergy's decisions relating to and resulting from the Elliot Agreement. (Petition of Commission Staff at paragraph 7).

10. IBEW 304 and, ultimately, the bargaining unit employees it represents will or may be bound by any Commission order or activity in this proceeding, and IBEW 304 and the bargaining unit employees it represents may be adversely affected thereby.

11. IBEW 304's interest herein is not adequately represented by any other party.

12. The interests of justice and the orderly and prompt conduct of this proceeding will not be impaired by the granting of IBEW 304's Petition to Intervene.

13. The names, addresses, and telephone numbers of the Petitioner seeking leave to intervene are:

John Garretson  
Business Manager  
IBEW Local Union No. 304  
3906 NW 16<sup>th</sup> Street  
Topeka, KS 66615  
(785) 235-2301 – Telephone  
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Brian Wood  
Counsel for IBEW 304  
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[brian@wickham-wood.com](mailto:brian@wickham-wood.com)

13. The Petitioner requests that service be made to the Petitioner and its legal counsel.

WHEREFORE, having stated the grounds for intervention, its position and interest in this proceeding, the International Brotherhood of Electrical Workers, Local Union No. 304 requests that the Commission:

- A. Grant it leave to intervene in this proceeding on its behalf and on behalf of the approximately 979 bargaining unit employees, and to be heard at such time as the Commission may fix; and
- B. In all respects be a party to this proceeding.

Dated this 2<sup>nd</sup> day of June, 2020.

Respectfully Submitted,



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Brian Wood, KS Bar No. 27529  
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VERIFICATION

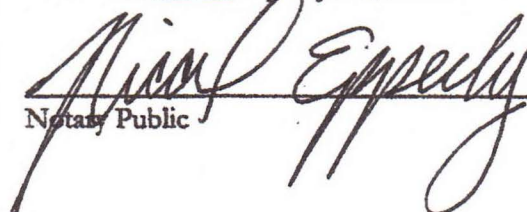
STATE OF KANSAS            )  
  ) ss:  
COUNTY OF SHAWNEE    )

John Garretson, of lawful age, being first duly sworn, upon oath states: he is the Business Manager and Financial Secretary for the International Brotherhood of Electrical Workers, Local 304, and that he has read the above Petition to Intervene, knows the contents and knows that the statements made therein are true and correct, to the best of his knowledge and belief.

  
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John Garretson, Business Manager

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> day of June, 2020.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires:  
9-5-2023

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic means (when available) or regular U.S. mail on the 22<sup>nd</sup> day of June, 2020 to the parties listed below:


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Brian Wood